CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL   No. 2292

Introduced by Assembly Member Gordon
(Coauthor: Assembly Member Ting)

February 18, 2016

An act to amend Section 39711 of the Health and Safety Code, relating to environmental justice.

LEGISLATIVE COUNSEL'S DIGEST

AB 2292, as amended, Gordon. California Global Warming Solutions Act of 2006: disadvantaged communities.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board ~~from the auction or sale of allowances~~ as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation. Existing law ~~requires the California Environmental Protection Agency to identify disadvantaged communities, also known as the California Communities Environmental Health Screening, and~~ requires the Department of Finance, in consultation with the state board and any other relevant state agency, to develop, as specified, a 3-year investment plan for the moneys deposited in the Greenhouse Gas Reduction Fund. *Existing law requires the California Environmental*

Protection Agency to identify disadvantaged communities, also known as the California Communities Environmental Health Screening Tool, for investment opportunities related to the plan.

This bill would require the agency, no later than July 1, 2017, to update the California Communities Environmental Health Screening *Tool* to include specified ~~factors~~ *factors, using the best-available data,* when identifying disadvantaged communities for investment opportunities related to the 3-year investment plan.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 39711 of the Health and Safety Code is
2 amended to read:
3 39711. (a) (1) The California Environmental Protection
4 Agency shall identify disadvantaged communities for investment
5 opportunities related to this chapter. These communities shall be
6 identified based on geographic, socioeconomic, public health, and
7 environmental hazard criteria, and may include, but are not limited
8 to, either of the following:
9 (A) Areas disproportionately affected by environmental pollution
10 and other hazards that can lead to negative public health effects,
11 exposure, or environmental degradation.
12 (B) Areas with concentrations of people that are of low income,
13 high unemployment, low levels of homeownership, high rent
14 burden, sensitive populations, or low levels of educational
15 attainment.
16 (2) The California Environmental Protection Agency shall hold
17 at least one public workshop prior to the identification of
18 disadvantaged communities pursuant to this section.
19 (3) The Administrative Procedure Act (Chapter 3.5
20 (commencing with Section 11340) of the Part 1 of Division 3 of
21 Title 2 of the Government Code) does not apply to the
22 identification of disadvantaged communities pursuant to this
23 section.
24 (b) No later than July 1, 2017, the California Environmental
25 Protection Agency shall update the identification of disadvantaged
26 communities for investment opportunities related to this chapter,
27 as established pursuant to subdivision (a), to include ~~factors~~ *factors,*

1   *using the best-available data,* that include, but need not be limited
2   to, areas of the state that are disproportionately impacted by any
3   of the following:
4   (1) High poverty rates.
5   (2) High rent burden and severe rent burden where households
6   pay more than 50 percent of their household income in gross rent.
7   (3) High cost of living.

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